

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT MILLMEN'S FRINGE BENEFIT FUNDS,
TRUSTEES OF DETROIT MILLMEN'S FRINGE
BENEFIT FUNDS, and INTERIOR SYSTEMS
LOCAL 1045,

Plaintiffs,

vs.

Case No. 09-CV-11117
HON. GEORGE CARAM STEEH

MADEIRA WOODWORKING COMPANY, LLC,
PAUL C. GINGELL and FRANK MOCERI,

Defendants.

_____/

ORDER GRANTING PLAINTIFFS' MOTION FOR SUBSTITUTED SERVICE
UPON DEFENDANT MOCERI (# 10)

Plaintiffs move for substituted service upon defendant Frank Mocerì by posting a copy of the summons and complaint at Mocerì's last known address of 5970 Darb Lake Road, West Bloomfield, Michigan, 48324, and by mailing the same by certified mail, return receipt requested and by regular first-class mail to Mocerì at this same address. Plaintiffs proffer the affidavit of two process servers who attest that personal service upon Mocerì at 5970 Darb Lake Road failed five times in July 2009.

Service upon an individual situated within this federal judicial district may be effected pursuant to the law of Michigan. Fed. R. Civ. P. 4(e)(1). Michigan law provides that "[o]n a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably

calculated to give the defendant actual notice of the proceedings and an opportunity to be heard." M.C.R. 2.105(I)(1).

Plaintiffs' motion for substituted service upon defendant Moceris is hereby GRANTED to the extent that substituted service shall be accomplished by means of regular first-class mail and by certified mail (return receipt requested), as well as by posting a copy of the summons and complaint, civil cover sheet, and a copy of this Order at 5970 Darb Lake Road, West Bloomfield, Michigan, 48324.

SO ORDERED.

Dated: August 27, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 27, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk